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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

DARIN HEATHERLY AND IRMA  
 RAMIREZ,  
 Plaintiffs,  
 v.  
 WEST COLLEGE CENTER, LLC;  
 GAGMAR, INC., A CALIFORNIA  
 CORPORATION DBA G & G SUPER  
 MARKET; AND NUON PHARA, AN  
 INDIVIDUAL DBA PAGE'S DINER,  
 Defendants.

<sup>RS</sup>  
**CASE NO.: 3:14-CV-05483-LB**

**STIPULATION OF DISMISSAL AND  
~~[PROPOSED]~~ ORDER THEREON**

The Parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action become and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

1 This stipulation may be executed in counterparts, all of which together shall constitute  
2 one original document.

3 Dated: November 2, 2015

THOMAS E. FRANKOVICH  
**A PROFESSIONAL LAW CORPORATION**

4  
5 By: /s/ Thomas E. Frankovich  
6 Attorney for Plaintiffs

7 Dated: November 2, 2015

DIANE AQUI  
**SMITH DOLLAR PC**

8  
9 By: /s/ Diane Aqui  
10 Attorney for Defendants

11 **ORDER**

12 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
13 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for  
14 the purpose of enforcing the parties' Settlement Agreement and General Release should such  
15 enforcement be necessary

16  
17 Dated: 11/2, 2015

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19  
20 Honorable Richard Seeborg

21 UNITED STATES DISTRICT JUDGE  
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